

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SCOTT D. MCCLURG, et al.,)	
)	
Plaintiffs,)	
)	
v.)	
)	No. 4:12-CV-00361-AGF
MALLINCKRODT, LLC, et al.,)	Lead Case
)	
Defendants.)	

CASE MANAGEMENT ORDER NO. 1 REGARDING
BUTLER V. MALLINCKRODT LLC, NO. 4:18-CV-01701-AGF, ET AL.

The parties in *Butler v. Mallinckrodt LLC*, No. 4:18-cv-01701-AGF; *Koterba v. Mallinckrodt LLC*, No. 4:18-cv-01702-AGF; *Hines v. Mallinckrodt LLC*, No. 4:18-cv-01703-AGF; and *Walick v. Mallinckrodt LLC*, No. 4:18-cv-01704-AGF (collectively, “*Butler*”) propose, and the Court hereby adopts and Orders, that the following schedule shall apply in these cases:

1. Plaintiffs shall provide the summaries and reports required by Rule 26(a)(2)(B) and (C), Fed. R. Civ. P., that were not otherwise required by CMO 14, for any expert they intend to call at trial, by **August 1, 2019**, and make these experts available for deposition with agreement of opposing counsel by **October 1, 2019**.

2. Defendants shall identify and provide the summaries and reports required by Rule 26(a)(2)(B) and (C), Fed. R. Civ. P., for any expert they intend to call at trial by **December 6, 2019**, and make these experts available for deposition with agreement of opposing counsel by **February 7, 2020**.

3. To the extent a party desires to disclose any rebuttal experts, the party shall file a motion for leave to do so by **February 24, 2020**. Rebuttal experts shall be permitted only upon good cause shown or agreement of the parties. To the extent any rebuttal experts are permitted, depositions of the rebuttal experts shall be completed within **21 days** of the Court’s ruling.

4. The parties shall complete all discovery in these cases no later than **March 20, 2020**.

5. Motions to compel shall be pursued in a diligent and timely manner, but in no event filed more than eleven (11) days following the discovery deadline set out above.

6. Any motions related to *Daubert* must be filed on or before **March 27, 2020**. Responses shall be filed no later than **28 days** of any motions, and any reply shall be filed within **14 days** of any response.

7. Any motions for summary judgment or motions for judgment on the pleadings must be filed within **21 days** of the ruling on the last *Daubert* motion, if not filed sooner. Responses shall be filed within **28 days** of any motions, and any reply shall be filed within **14 days** of any response.

After the Court rules on the above motions, it will transfer any remaining cases back to the original judge(s) for trial.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 19th day of June, 2019.